UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TECHNICAL CONSUMER PRODUCTS, INC.,
NICOR INC.,
AMAX LIGHTING,
Petitioners,
v.

LIGHTING SCIENCE GROUP CORP.
Patent Owner

Case No. IPR2017-01285

REPLY IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,672,518
UNDER 35 U.S.C. §§ 311-319 and 37 C.F.R. §§ 42.1-.80, 42.100-.123



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Cases

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Hewlett-Packard Co. v. U.S. Philips Corp., IPR2015-01505 (PTAB Jan. 19, 2016)17
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In re Gorman, 933 F.2d 982 (Fed. Cir. 1991)
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In re Klopfenstein, 380 F.3d 1345 (Fed. Cir. 2004)
Innovention Toys, LLC v. MGA Entertainment, Inc., 637 F.3d 1314 (Fed. Cir. 2011)
L&P Property Management Co. v. National Prods. Inc., IPR2016-00475, 2017 WL 3085926 (PTAB July 19, 2017)
Novo Nordisk A/S v. Caraco Pharm. Labs., Ltd., 719 F.3d 1346 (Fed. Cir. 3013)22
Unified Patents Inc. v. Nonend Inventions N.V., IPR2016-00174, Dec. Denying Req. for Reh'g, 2017 WL 3174102, at *1 (July 25, 2017
WBIP, LLC v. Kohler Co., 829 F.3d 1317 (Fed. Cir. 2016)



Statutory Authorities

35 U.S.C. § 103	4
35 U.S.C. § 311(b)	11, 16
35 U.S.C. §§ 311-319	1
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LIST OF EXHIBITS

Exhibit	Description		
Ex. 1001	U.S. Patent No. 8,672,518		
Ex. 1002	Declaration of Dr. Zane Coleman in Support of Petition for		
	Inter Partes Review of U.S. Patent No. 8,672,518 ("Coleman		
	Decl.")		
Ex. 1003	Provisional Application 61/248665 ('968 Patent)		
Ex. 1004	Original Application 12/775310('968 Patent)		
Ex. 1005	Original claims of Application 12/775310 ('968 Patent)		
Ex. 1006	Office Action ('968 Patent)		
Ex. 1007	Reply to Office Action ('968 Patent)		
Ex. 1008	Notice of Allowance ('968 Patent)		
Ex. 1009	Notice of Allowance ('518 Patent)		
Ex. 1010	U.S. Patent No. 7,670,021 ("Chou")		
Ex. 1011	U.S. Patent No. 7,828,465 ("Roberge")		
Ex. 1012	Roberge Provisional Appl. No. 60/916,053		
Ex. 1013	U.S. Patent No. 7,980,736 ("Soderman")		
Ex. 1014	U.S. Patent No. 7,722,227 ("Zhang")		
Ex. 1015	U.S. Patent No. 7,993,034 ("Wegner")		
Ex. 1016	Silescent S100LP2 Installation Instructions and Cut Sheet		
	("Silescent")		
Ex. 1017	Declaration of Daryl Soderman in Support of Petition for <i>Inter</i>		
	Partes Review of U.S. Patent No. 8,201,968 ("Soderman		
	Decl.")		
Ex. 1018	Reply to Office Action – November 13, 2014 ('844 Patent)		
Ex. 1019	U.S. Patent Application Publication No. 2002/0113244		
	("Barnett")		
Ex. 1020	International Publication No. WO 2010/004503A1 ("Van		
	Elmpt")		
Ex. 1021	U.S. Application No. 13/476,388 (the "388 application")		
Ex. 1022	U.S. Patent No. 8,201,968 ("'968 Patent)		
Ex. 1023	Progress Lighting's Guide to Green Lighting ("Progress		
	Lighting Catalog")		
Ex. 1024	U.S. Provisional Patent Application Ser. No. 60/979,068		
	("Zhang Provisional")		
Ex. 1025	Deposition transcript and exhibits from Dr. Eric Bretschneider		
	deposition		



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